

**Recess**

On motion of Senator Aikin the Senate at 4:15 o'clock p.m. took recess until 9:15 o'clock a.m. tomorrow.

**APPENDIX****Sent to Governor**

May 21, 1971

S. B. No. 812.  
S. B. No. 828.  
S. B. No. 830.  
S. B. No. 677.  
S. B. No. 829.  
S. B. No. 659.  
S. B. No. 683.  
S. B. No. 880.  
S. B. No. 618.  
S. B. No. 621.  
S. B. No. 702.  
S. B. No. 956.  
S. B. No. 772.  
S. B. No. 961.  
S. B. No. 912.  
S. B. No. 832.  
S. B. No. 445.  
S. B. No. 270.  
S. B. No. 5.  
S. B. No. 351.  
S. B. No. 476.  
S. B. No. 475.  
S. B. No. 292.  
S. B. No. 365.  
S. B. No. 489.  
S. B. No. 524.  
S. B. No. 47.  
S. B. No. 242.  
S. B. No. 924.  
S. B. No. 425.  
S. B. No. 463.  
S. B. No. 379.  
S. B. No. 187.  
S. B. No. 605.  
S. B. No. 839.  
S. B. No. 317.  
S. B. No. 134.

**Sent to Comptroller**

S. B. No. 324.

**SEVENTY-THIRD DAY**

(Continued)

(Saturday, May 22, 1971)

**After Recess**

The Senate met at 9:15 o'clock a.m., and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

**Message From the House**

Hall of the House of Representatives

Austin, Texas,  
May 22, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 6, A bill to be entitled "An Act relating to forbidding the operation of motor vehicles, trailers, semitrailers, and tractors upon public highways if they are not equipped with tires meeting certain requirements; specifying certain requirements; exempting certain farm vehicles; setting a penalty; delegating rule-making power to the Department of Public Safety; and declaring an emergency."

H. B. No. 158, A bill to be entitled "An Act amending Section 7, Chapter 283, Acts of the 40th Legislature, Regular Session, 1927, as amended

(Article 1011g, Vernon's Texas Civil Statutes), providing for four alternate members on Boards of Adjustment to serve in absence of regular members; and declaring an emergency."

H. B. No. 458, A bill to be entitled "An Act ratifying, confirming, approving and validating the creation and organization of conservation and reclamation districts created under the provisions of Article 16, Section 59 of the Constitution of Texas, including districts created by special legislative act which adopted in part the general laws applicable to such conservation and reclamation districts, all proceedings and actions taken by the board of directors or governing bodies of such districts in organizing, selecting officers, adding or annexing land or excluding land, authorizing, selling or issuing bonds of such districts; all bonds heretofore voted, authorized, approved, sold or issued by any such district, and related matters; providing a nonlitigation clause; providing a savings clause; and declaring an emergency."

H. B. No. 474, A bill to be entitled "An Act relating to the governance, operation, support, and maintenance of The University of Texas System and the component institutions of The University of Texas System; providing that this Act shall be cumulative; providing for severability; and declaring an emergency."

H. B. No. 502, A bill to be entitled "An Act relating to providing an exemption from the franchise tax for certain nonprofit corporations engaged in the business of owning residential property used as cooperative housing; amending Article 12.03, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 760, A bill to be entitled "An Act relating to compensation of county officials in certain counties; amending Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3883i, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 780, A bill to be entitled "An Act providing that a public school kindergarten may be operated on a half-day basis or a full-day basis at the option of the governing board of the school district; providing for the

allocation of kindergarten classroom teacher units under the minimum foundation school program; providing for teacher aides in certain kindergarten classes; amending Subchapter E, Chapter 21, Texas Education Code, by adding Section 21.135; amending Section 16.13, Texas Education Code; amending Section 2, Chapter 872, Acts of the 61st Legislature, Regular Session, 1969 (Article 2922-14d, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 883, A bill to be entitled "An Act relating to the use of state park facilities by persons 18 years of age or older; and declaring an emergency."

H. B. No. 882, A bill to be entitled "An Act amending Article 4501, Article 4503, Article 4505, Article 4509 a, of the Revised Civil Statutes of Texas; providing for requirements for application for licensure by the Texas State Board of Medical Examiners; relating to the examination of applicants for licensure by the Board; providing for refusal to admit to examinations and to license to practice; providing for certification by the Board of Health, Research and Educational organizations; repealing all laws and parts of laws in conflict herewith; providing severability; and declaring an emergency."

H. B. No. 967, A bill to be entitled "An Act relating to the information to be included in an abstract of judgment by the clerk of the court; amending Article 5447, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 969, A bill to be entitled "An Act eliminating the limits of \$15 per day for no longer than 100 days on a hospital's or clinic's lien for services on a cause of action of an injured person; amending Section 3, Chapter 85, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 5506a, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1006, A bill to be entitled "An Act correcting the Texas Education Code by codifying various omitted provisions, amending various provisions to correct errors, and expressly repealing various provisions that are replaced by the code; and declaring an emergency."

H. B. No. 1273, A bill to be entitled "An Act amending Subsection (j) of Article 8.24, Texas Insurance Code, as amended, relating to revocation of certificates of authority to transact business held by alien insurance companies; and declaring an emergency."

H. B. No. 1280, A bill to be entitled "An Act relating to false papers and cards of identification; providing penalties; and declaring an emergency."

H. B. No. 1293, A bill to be entitled "An Act creating a State Commission for the Deaf and prescribing its powers and duties; and declaring an emergency."

H. B. No. 1351, A bill to be entitled "An Act amending Subchapter E, Section 51.073, Chapter 889, Acts of the 61st Legislature, Regular Session, 1969 (Article 2815h-6, Section 5, Vernon's Texas Civil Statutes), to provide for operation of a branch, center, or extension as authorized by the board of trustees of a public junior college district; provide an effective date; and declaring an emergency."

H. B. No. 1459, A bill to be entitled "An Act relating to the composition of administrative judicial districts; amending Section 1, Chapter 156, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 200a, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1472, A bill to be entitled "An Act relating to priority of a lien of warehouseman; amending Subsection (c), Section 7.209, Business & Commerce Code; and declaring an emergency."

H. B. No. 1489, A bill to be entitled "An Act adding a provision making the possession of an illegally killed game bird or game animal a violation; amending Section 7, Chapter 172, Acts of the 39th Legislature, 1925 (Article 873, Vernon's Texas Penal Code); and declaring an emergency."

H. B. No. 1510, A bill to be entitled "An Act relating to the placing of serial numbers on motorcycles and their engines; providing penalties; and declaring an emergency."

H. B. No. 1564, A bill to be entitled "An Act amending Section (b), Article 10.01, Chapter 10, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Article 5069-10.01, Vernon's Texas Civil Statutes), relating to defining certain deceptive practices in the conduct of any trade or commerce, by adding Subsection (17) which makes basing a charge for the repair of an item in whole or in part upon a guarantee or warranty a deceptive trade practice; and declaring an emergency."

H. B. No. 1635, A bill to be entitled "An Act authorizing the annexation of streets, highways, and alleys by the governing bodies of certain cities; prescribing the method for the annexation; and declaring an emergency."

H. B. No. 1650, A bill to be entitled "An Act relating to the definition of narcotic drugs, making the sale and use of heroin and cannabis illegal, and prohibiting the sale of certain products to persons under 18 years of age without proof of identification; amending Subsections (14), (15), and (16) of Section 1 and Sections 5 and 7 of, and adding a Section 8A to Chapter 169, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 725b, Vernon's Texas Penal Code); providing for severability; and declaring an emergency."

H. B. No. 1772, A bill to be entitled "An Act relating to the jurisdiction of the County Court of Camp County and the 76th District Court in Camp County over certain matters of eminent domain; and declaring an emergency."

H. B. No. 1733, A bill to be entitled "An Act relating to the method, number and seasons for taking shrimp from that part of Lake Sabine that is in Orange County; providing penalties; and declaring an emergency."

H. B. No. 1777, A bill to be entitled "An Act authorizing notaries public who are stockholders of corporations owning less than 1/10 of one percent of the stock of a corporation of which there are more than 1,000 shareholders, or employees of such a corporation, to take acknowledg-

ments of instruments in which such corporation is interested; and declaring an emergency."

H. B. No. 1789, A bill to be entitled "An Act relating to employment of certified public accountants to perform audits of Fireman's Relief and Retirement Fund; amending Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6243e, Vernon's Texas Civil Statutes), by adding a Section 23E; and declaring an emergency."

H. B. No. 1796, A bill to be entitled "An Act amending Section 1, Chapter 32, Acts of the 61st Legislature, Regular Session, 1969 (Article 1605a-4, Vernon's Texas Civil Statutes), relating to branch offices for tax assessors and collectors in certain counties; and declaring an emergency."

H. B. No. 1798, A bill to be entitled "An Act relating to the employment of a probation officer in Anderson County; and declaring an emergency."

H. B. No. 1831, A bill to be entitled "An Act relating to the open season for the taking of quail in Van Zandt County; amending Section 4, Chapter 95, Acts of the 50th Legislature, 1947; and declaring an emergency."

H. B. No. 1832, A bill to be entitled "An Act relating to the name and the board of directors of the Nueces River Conservation and Reclamation District; amending Sections 1, 2, 4, 5, 6, 7, 10, 13, 14, 17, 23 of and adding Section 6a to Chapter 427, Acts of the 44th Legislature, 1st Called Session, 1935, as amended (Article 8280-115, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1849, A bill to be entitled "An Act relating to the issuance of revenue bonds by home-rule cities for the acquisition of certain public improvements; amending Chapter 27, Acts of the 61st Legislature, 2nd Called Session, 1969 (Article 1175e, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1851, A bill to be entitled "An Act authorizing the commissioner of the General Land Office to sell and convey to the Boy Scouts of America the state's interest in and to

a certain described tract of land in Henderson County, Texas; and declaring an emergency."

H. B. No. 1861, A bill to be entitled "An Act relating to levy, assessment, and collection of taxes in certain common school districts; and declaring an emergency."

H. B. No. 1873, A bill to be entitled "An Act amending Section 1 of Chapter 544, Page 1209, Acts of the 60th Legislature, Regular Session, 1967 (codified in Art. 2326j-61, Vernon's Annotated Civil Statutes), and relating to the compensation of the Official Shorthand Reporter of the 32nd Judicial District; and declaring an emergency."

S. C. R. No. 10, Granting permission to Billy Warren Cody to sue the State of Texas for personal injuries.

S. C. R. No. 20, Granting the board of trustees of the College of the Guadalupe Baptist Association permission to sue the State of Texas.

S. C. R. No. 23, Granting permission to the Eastland National Bank to sue the State of Texas and the Texas Highway Department.

S. C. R. No. 82, Granting permission to M. C. Winters, Inc., and The Austin Bridge Company to sue the State of Texas.

H. B. No. 611, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Oakmont Public Utility District'; etc.; and declaring an emergency."

H. B. No. 776, A bill to be entitled "An Act amending Sections 11.21 and 11.22 in Subchapter B of Chapter 11, Texas Education Code, to apportion the State of Texas into Educational Districts and providing for the election in 1972 of a member from each District so defined, to constitute the membership of the State Board of Education; designating the term(s) of office and method to provide for the election of a third of the membership thereafter biennially; provided that the apportionment provision herein enacted for purposes of an election of an entire board in 1972 will not affect the membership of the

current State Board of Education through December 31, 1972; and declaring an emergency."

H. B. No. 782, A bill to be entitled "An Act relating to reapportionment of congressional districts; repealing Chapter 342, Acts of the 60th Legislature, Regular Session, 1967 (Article 197c, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 922, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as Dove Meadows Municipal Utility District; etc.; and declaring an emergency."

H. B. No. 1040, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Spring Creek Forest Public Utility District'; etc.; and declaring an emergency."

H. B. No. 1152, A bill to be entitled "An Act creating and establishing 'Montgomery County Utility District No. 3'; etc.; and declaring an emergency."

H. B. No. 1385, A bill to be entitled "An Act creating and establishing 'Harris County Utility District No. 15'; etc.; and declaring an emergency."

The House has concurred in Senate amendments to H. B. No. 1235 by non-record vote.

The House has concurred in Senate amendments to H. B. 1599 by a vote of 112 ayes, 2 noes.

H. B. No. 1609, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Roman Forest Public Utility District No. 1'; etc.; and declaring an emergency."

H. B. No. 1700, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Prestonwood Public Utility District'; etc.; and declaring an emergency."

H. B. No. 1726, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Roman Forest Public Utility District No. 3'; etc.; and declaring an emergency."

H. B. No. 1731, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Knollwood Public Utility District,' etc.; and declaring an emergency."

H. B. No. 1734, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Jackrabbit Road Public Utility District; etc.; and declaring an emergency."

H. B. No. 1774, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Harris County, Texas, to be known as Windfern Forest Utility District of Harris County, Texas; etc., and declaring an emergency."

H. B. No. 1794, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Buffalo Camp Farms Public Utility District'; etc., and declaring an emergency."

H. B. No. 1836, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'North Park Public Utility District'; etc.; and declaring an emergency."

H. B. No. 1837, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Dowdell Public Utility District'; etc.; and declaring an emergency."

H. B. No. 1838, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Seabourne Creek Public Utility District'; etc.; and declaring an emergency."

H. B. No. 1842, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Spencer Road Public Utility District'; etc.; and declaring an emergency."

H. B. No. 1844, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as Encanto Real Utility District; etc.; and declaring an emergency."

H. B. No. 1860, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Burleson County, Texas, to be known as Burleson County Municipal Utility District No. 1; etc.; and declaring an emergency."

H. C. R. No. 150, Inviting Vice-President Spiro T. Agnew to address a Joint Session of the 62nd Legislature.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Reports of Standing Committee

By unanimous consent, Senator Connally submitted the following reports for the Committee on Parks and Wildlife:

H. B. No. 1766.

H. B. No. 1811.

H. B. No. 1812.

H. B. No. 1677.

H. B. No. 1615.

#### House Bill 1811 Ordered Not Printed

On motion of Senator Connally and by unanimous consent, H. B. No. 1811 was ordered not printed.

#### House Bill 1812 Ordered Not Printed

On motion of Senator Connally and by unanimous consent, H. B. No. 1812 was ordered not printed.

#### House Bill 1850 Ordered Not Printed

On motion of Senator Hall and by unanimous consent, House Bill No. 1850 was ordered not printed.

#### House Bill 439 Ordered Not Printed

On motion of Senator Hall and by unanimous consent, H. B. No. 439 was ordered not printed.

#### House Bill 576 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 576 was ordered not printed.

#### House Bill 1766 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent, H. B. No. 1766 was ordered not printed.

#### House Bill 1110 Ordered Not Printed

On motion of Senator Jordan and by unanimous consent, H. B. No. 1110 was ordered not printed.

#### House Bill 460 Ordered Not Printed

On motion of Senator Jordan and by unanimous consent, H. B. No. 460 was ordered not printed.

#### House Bill 466 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent, H. B. No. 466 was ordered not printed.

#### House Bill 1615 Ordered Not Printed

On motion of Senator Sherman and by unanimous consent, H. B. No. 1615 was ordered not printed.

#### House Bill 1677 Ordered Not Printed

On motion of Senator Sherman and by unanimous consent, H. B. No. 1677 was ordered not printed.

#### House Bill 1107 Ordered Not Printed

On motion of Senator Wallace and by unanimous consent, H. B. No. 1107 was ordered not printed.

#### House Bill 1619 Ordered Not Printed

On motion of Senator Wallace and by unanimous consent, H. B. No. 1619 was ordered not printed.

#### House Bill 1639 Ordered Not Printed

On motion of Senator Wallace and by unanimous consent, H. B. No. 1639 was ordered not printed.

#### House Bill 1845 Ordered Not Printed

On motion of Senator Wallace and by unanimous consent, H. B. No. 1845 was ordered not printed.

**House Bill 1787 Ordered Not Printed**

On motion of Senator Wallace and by unanimous consent, H. B. No. 1787 was ordered not printed.

**House Bill 136 Ordered Not Printed**

On motion of Senator Harrington and by unanimous consent, H. B. No. 136 was ordered not printed.

**Senate Bill 252 With House Amendment**

Senator Creighton called S. B. No. 252 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

**Committee Amendment No. 1**

Amend S. B. No. 252, First House Printing, by striking the words "less than Six Thousand Dollars (\$6,000) per annum, nor" in lines 28-29.

The House amendment was read.

Senator Creighton moved that the Senate concur in the House amendment.

The motion prevailed.

**Senate Bill 984 With House Amendment**

Senator Herring called S. B. No. 984 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

**Amendment No. 1**

Amend Section 1 quoted Section 17 and Section 2 quoted Section 17 by changing the word "shall" to "may" in the first sentence of each such quoted section.

The House amendment was read.

Senator Herring moved that the Senate concur in the House amendment.

The motion prevailed.

**Senate Bill 902 With House Amendment**

Senator Herring called S. B. No. 902 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

**Committee Amendment No. 1**

Amend S. B. No. 902, First Printing, by inserting "or device" between "drug" and "which" on line 51, page 2,

The House amendment was read.

Senator Herring moved that the Senate concur in the House amendment.

The motion prevailed.

**Senate Bill 216 With House Amendment**

Senator Herring called S. B. No. 216 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

**Floor Amendment No. 1**

Amend Senate Bill 216 by adding Section 2 to read as follows:

Section 2. Subsection E, Section 3, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes) is amended to read as follows:

"E. Any person who was an Elective State Official and who has served in the Legislature of the State of Texas and who has not less than eight years creditable service may become a member of the Employees Retirement System by paying into such system Two Hundred Eighty Eight Dollars (\$288) for each year of creditable service, provided that at the time the person elects to become a member, that person is employed by the State of Texas. Such application shall be made on forms provided by the Board, and, thereupon, such person shall be entitled to all the privileges and benefits of such system."

And renumber the following sections accordingly.

The House amendment was read.

Senator Herring moved that the Senate concur in the House amendment.

The motion prevailed.

### Senate Bill 87 With House Amendment

Senator Creighton called S. B. No. 87 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

#### Amendment No. 1

Amend S. B. No. 87, Second Printing, by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Article 1994, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

#### "Article 1994

"Minors, lunatics, idiots or non compos mentis persons who have no legal guardian may sue and be represented by 'next friend' under the following rules:

"1. In such cases when a judgment is recovered for money or other personal property the value of which does not exceed One Thousand, Five Hundred Dollars (\$1,500), the court may by order entered of record, authorize such next friend or other person to take charge of such money or other property for the use and benefit of the plaintiff when he has executed a proper bond, [in a sum at least double the value of the property] payable to the county judge, conditioned that he will pay said money with lawful interest thereon or deliver said property and its increase to the person entitled to receive the same when ordered by the court to do so, and that he will use such money or property for the benefit of the owner under the direction of the court. The bond shall be in a sum at least double the value of the property and money recovered, with the exception that a bond which is executed by the next friend or other person taking charge of the money or property, as principal, and by a solvent surety company authorized under the laws of Texas to execute such bonds, as surety, shall be in a sum equal to the value of the property and money recovered.

"2. The judge of the court in which the judgment is rendered upon an application and hearing, in term time or vacation, may provide by decree for an investment of the funds ac-

cruing under such judgment. Such decree, if made in vacation, shall be recorded in the minutes of the succeeding term of the court.

"3. The person who takes such money or property shall receive such compensation as the court may allow and shall make such disposition thereof as the court may order; and he shall return such money or property into court upon the order of the court.

"4. If any person has an interest in such recovery, the court may hear evidence as to such interest, and order such claim, or such part as is deemed just, to be paid to whoever is entitled to receive the same."

"5. If not otherwise invested in the manner provided in this Article, any moneys recovered by the plaintiff, regardless of the amount, may be invested as follows by either the next friend or the Clerk of the Court:

"(a) in savings accounts or certificates of any savings and loan association domiciled in this State provided such accounts are insured by the Federal Savings & Loan Insurance Corporation; or

"(b) in interest-bearing time deposits in any bank doing business in this State provided the payment of such time deposits is insured by the Federal Deposit Insurance Corporation; and if such moneys are so invested in such manner as to prevent the withdrawal of such moneys from the financial institution in which they are invested without an order of the court no bond shall be required of the 'next friend' in respect to such moneys until the same are withdrawn from such financial institution, at which time the court shall order such bond to be made as may be appropriate under the other provisions of this Article, or the Court may order such funds turned over directly to the person entitled thereto upon the Court finding that the previous disability has ceased to exist."

Sec. 2. The importance of this legislation and the crowded conditions of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.



The House amendment was read.

Senator Creighton moved that the Senate concur in the House amendment.

The motion prevailed.

#### **Bills Added to Local and Uncontested Bills Calendar**

On motion of Senator Hall, and by unanimous consent, H. B. No. 930, H. B. No. 931 and S. B. No. 845 were added to the Local and Uncontested Bills Calendar.

#### **Bills Removed From Local and Uncontested Bills Calendar**

On motion of Senators Blanchard, Connally and Creighton, H. B. No. 930 and H. B. No. 931 were removed from the Local and Uncontested Bills Calendar.

#### **Local and Uncontested Bills Calendar**

The President Pro Tempore announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with a motion previously adopted by the Senate.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of Constitutional Three Day Rule and final passage indicated after each bill)

S. B. No. 300 (Hightower) (31-0)

S. B. No. 391 (Mauzy) (31-0)

S. B. No. 480 (Mauzy) (31-0)

S. B. No. 530 (Hightower) (31-0)

S. B. No. 571 (Kennard) (31-0)

S. B. No. 692 (Mauzy) (31-0)

S. B. No. 745 (Brooks) (31-0)

S. B. No. 746 (Brooks) (31-0)

S. B. No. 845 (Bernal) (31-0)

S. B. No. 872 (Hightower) (31-0)

S. B. No. 1021 (Moore) (31-0)

S. B. No. 1025 (Wilson) (31-0)

S. B. No. 1026 (Wilson) (31-0)

S. C. R. No. 104 (Herring) (31-0)

S. C. R. No. 105 (Herring) (31-0)

S. C. R. No. 106 (Herring) (31-0)

S. C. R. No. 107 (Herring) (31-0)

S. C. R. No. 108 (Herring) (31-0)

S. C. R. No. 109 (Herring) (31-0)

S. C. R. No. 110 (Herring) (31-0)

H. B. No. 16 (Christie) (31-0)

H. B. No. 78 (Hall) (31-0) (31-0)

H. B. No. 136 (Harrington) (31-0)

H. B. No. 211 (Bates) (31-0)

H. B. No. 227 (Bates) (31-0)

H. B. No. 263 (Hightower) (31-0)

H. B. No. 439 (Hall) (31-0) (31-0)

H. B. No. 459 (Jordan) (31-0)

H. B. No. 460 (Jordan) (31-0)

H. B. No. 463 (Sherman) (31-0)

H. B. No. 466 (Aikin) (31-0)

H. B. No. 514 (Blanchard) (31-0)

H. B. No. 534 (Bernal) (31-0)

H. B. No. 576 (Moore) (31-0)

H. B. No. 602 (Kennard) (31-0)

H. B. No. 878 (Schwartz) (31-0)

H. B. No. 892 (Beckworth) (31-0)

H. B. No. 936 (Beckworth) (31-0)

H. B. No. 949 (Aikin) (31-0)

H. B. No. 1015 (Snelson) (31-0)

H. B. No. 1039 (Blanchard) (31-0) (31-0)	H. B. No. 1688 (Blanchard) (31-0) (31-0)
H. B. No. 1081 (Patman) (31-0) (31-0)	H. B. No. 1715 (Bridges) (31-0) (31-0)
H. B. No. 1107 (Wallace) (31-0) (31-0)	H. B. No. 1718 (Moore) (31-0) (31-0)
H. B. No. 1110 (Jordan) (31-0) (31-0)	H. B. No. 1721 (Patman) (31-0) (31-0)
H. B. No. 1161 (Patman) (31-0) (31-0)	H. B. No. 1766 (Aikin) (31-0) (31-0)
H. B. No. 1195 (Ratliff) (31-0) (31-0)	H. B. No. 1784 (McKool) (31-0) (31-0)
H. B. No. 1202 (Harris) (31-0) (31-0)	H. B. No. 1807 (Moore) (31-0) (31-0)
H. B. No. 1267 (Kothmann) (31-0) (31-0)	H. B. No. 1808 (Moore) (31-0) (31-0)
H. B. No. 1379 (Bates) (31-0) (31-0)	H. B. No. 1811 (Connally) (31-0) (31-0)
H. B. No. 1381 (Brooks) (31-0) (31-0)	H. B. No. 1812 (Connally) (31-0) (31-0)
H. B. No. 1382 (Brooks) (31-0) (31-0)	H. B. No. 1827 (Moore) (31-0) (31-0)
H. B. No. 1383 (Brooks) (31-0) (31-0)	H. B. No. 1839 (Moore) (31-0) (31-0)
H. B. No. 1384 (Brooks) (31-0) (31-0)	H. B. No. 1845 (Wallace) (31-0) (31-0)
H. B. No. 1413 (Hightower) (31-0) (31-0)	H. B. No. 1850 (Hall) (31-0) (31-0)
H. B. No. 1456 (Blanchard) (31-0) (31-0)	H. B. No. 1855 (Moore) (31-0) (31-0)
H. B. No. 1460 (Creighton) (31-0) (31-0)	<p>The following bills were laid before the Senate, read second time, amended, passed to engrossment, read third time and passed: (Amendment(s) printed following bill number, as well as vote on suspension of Constitutional Three Day Rule and final passage)</p> <p>S. B. No. 696 (Christie)—</p> <p>Senator Christie offered the following Committee Amendment to the bill:</p> <p>Amend S. B. No. 696 by striking Section 1, substituting in lieu thereof the following:</p> <p>"Section 1. Any person who enters the State from a foreign country with intent to avoid prosecution, custody, or confinement after conviction under the laws of the country from which he flees for a crime which, under the laws of the country from which he flees, is punishable by a maximum imprisonment of two (2) years or more, shall be guilty of a felony."</p>
H. B. No. 1528 (Snelson) (31-0) (31-0)	
H. B. No. 1606 (Beckworth) (31-0) (31-0)	
H. B. No. 1615 (Sherman) (31-0) (31-0)	
H. B. No. 1619 (Wallace) (31-0) (31-0)	
H. B. No. 1627 (Blanchard) (31-0) (31-0)	
H. B. No. 1639 (Wallace) (31-0) (31-0)	
H. B. No. 1672 (Bates) (31-0) (31-0)	
H. B. No. 1677 (Sherman) (31-0) (31-0)	
H. B. No. 1678 (Blanchard) (31-0) (31-0)	
H. B. No. 1685 (Jordan) (31-0) (31-0)	

The Committee Amendment was read and was adopted.

On motion of Senator Christie and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0).

**S. B. No. 752 (Mauzy)—**

Senator Creighton offered the following amendment to the bill:

Amend S. B. No. 752 by deleting from Section 1 the words "six months" and substituting therefor the words "90 days".

The amendment was read and was adopted.

Senator Creighton offered the following amendment to the bill:

Amend S. B. No. 752 by striking all above the enacting clause and substituting the following:

**A BILL  
TO BE ENTITLED**

An Act prohibiting any municipality from requiring notice of less than 90 days for a claim against such municipality; providing for repeal of all laws in conflict; providing for nullity of all laws, ordinances, charter provisions, orders, or regulations of any political subdivision of the state in conflict herewith; and declaring an emergency."

The amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

**H. B. No. 893 (Beckworth)—**

Senator Beckworth offered the following amendment to the bill:

Amend H. B. No. 893 as follows:

1. Amend Section 8(d) by striking in the first sentence the words "to exceed 6½% a year" and inserting in lieu thereof the following: "to exceed the maximum prescribed by Article 717K-2, Vernon's Texas Civil Statutes."

2. Amend Section 8(c) by striking in the second sentence the words "if refunding bonds are to be exchanged" down through and including the

words "to be paid on said refunding bonds" and inserting in lieu thereof the following: "the interest rate on any refunding bonds shall not exceed the maximum prescribed by Article 717K-3, Vernon's Texas Civil Statutes."

The amendment was read and was adopted.

On motion of Senator Beckworth and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0).

**H. B. No. 1622 (Brooks)—**

Senator Brooks offered the following amendment to the bill:

Amend House Bill 1622 by striking all below the enacting clause and substituting the following:

Section 1. Subsection (b), Section 8, Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3383i, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) In all counties of this state having a population of one million, seven hundred thousand (1,700,000) or more inhabitants, according to the last preceding Federal Census, the Commissioners Court of such counties shall fix the salaries of county officials in the following manner:

The salary of the county commissioners shall be not more than Nineteen Thousand, Eight Hundred Dollars (\$19,800); sheriff, not more than Twenty-seven Thousand, Six Hundred Dollars (\$27,600); county clerk and district clerk, not more than Twenty-four Thousand, Six Hundred Dollars (\$24,600); county treasurer, not more than Nineteen Thousand, Five Hundred Dollars (\$19,500); tax assessor and collector, not more than Thirty Thousand Dollars (\$30,000); each of such salaries shall be payable in equal monthly installments; provided, however, that the total salary received by the tax assessor and collector, including all additional fees and compensation, shall not exceed Thirty Thousand Dollars (\$30,000) per annum in the aggregate; justices of the peace and the constables at not more than Sixteen Thousand Dollars (\$16,000) per annum, to be paid in equal monthly installments; provided, however, that the justices of the peace and consta-

bles whose precincts lie wholly or in part in cities having a population of six hundred thousand (600,000) or more, according to the last preceding Federal Census, shall receive not more than Twenty-one Thousand Six Hundred Dollars (\$21,600) per annum. The provisions of Section 18 of this Act do not apply to salaries set under this subsection."

Section 2. As used in this Act, "the last preceding Federal Census" means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes.

Section 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0).

#### H. B. No. 1676 (Watson)—

Senator Watson offered the following amendment to the bill:

Amend H. B. 1676 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. (a) The commissioners Court acting for and on behalf of any common school district which is not a rural high school district and which is located in a county having a population of not less than 141,000 nor more than 161,000, according to the last preceding federal census, may levy and collect a tax, in addition to that authorized under Sections 20.01 through 20.04, Texas Education Code, not to exceed 50 cents on the \$100 valuation of taxable property for the district for the maintenance and use of the schools in the district.

(b) The limitation imposed by Subsection (d), Section 20.04, Texas Ed-

ucation Code, does not apply to the additional tax authorized by Subsection (a) of this section.

Sec. 2. No tax may be levied, collected, or increased under the provisions of this Act until that action has been requested by a petition signed by 15 percent of the qualified property taxpaying electors of the district and has been authorized at an election held in the district for that purpose.

Sec. 3. As used in this Act, "the last preceding federal census" means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes.

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

#### H. B. No. 1787 (Wilson)—

Senator Wilson offered the following Committee Amendment to the bill:

##### Committee Amendment No. 1

Amend H. B. No. 1787 by deleting the last sentence of Section 5 and substituting therefor the following:

"Such board shall be authorized to contract with any other political subdivision or governmental agency whereby the district will provide investigatory and other services as to the hospital or welfare needs of the inhabitants of the district and shall be authorized to contract with any county or incorporated municipality outside its boundaries for the hospitalization of the sick, diseased, or

injured persons of any such county or municipality, and shall have the authority to contract with the State of Texas or agencies of the federal government for the hospitalization of sick, diseased, or injured persons."

The Committee Amendment was read and was adopted.

On motion of Senator Wilson and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

#### Conclusion of Session for Consideration of Local and Uncontested Bills Calendar

The President Pro Tempore announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

#### Welcome Resolution

S. R. No. 1338—By Senator Bernal: Extending welcome to students and teachers of St. Gerard's Junior High School.

#### Adjournment

On motion of Senator Aikin the Senate at 10:15 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, May 24, 1971.

### SEVENTY-FOURTH DAY

(Monday, May 24, 1971)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Saturday, May 22, 1971, was dispensed with and the Journal was approved.

#### Reports of Standing Committees

Senator Connally submitted the following report for the Committee on Parks and Wildlife:

H. B. No. 1759.

Senator Creighton submitted the following reports for the Committee on Water and Conservation:

H. B. No. 1541.

H. B. No. 1390 (Floor report).

H. B. No. 1391 (Floor report).

Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs:

H. B. No. 1113.

H. B. No. 1062.

H. B. No. 687.

Senator Herring submitted the following report for the Committee on Jurisprudence:

S. B. No. 693.

Senator Brooks submitted the following report for the Committee on State Departments and Institutions:

S. B. No. 1030.

#### Senate Bills on First Reading

Senator Watson moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit the introduction at this time, the following bills, the provisions of which were explained:

The motion prevailed by the following vote:

Yeas—31

Aikin	Blanchard
Bates	Bridges
Beckworth	Brooks
Bernal	Christie